

C.A. No. 11-50107

IN THE UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

DANIEL EDWARD CHOVAN,

Defendant-Appellant.

GOVERNMENT'S UNOPPOSED MOTION FOR 30-DAY
EXTENSION OF TIME TO FILE ITS ANSWERING BRIEF

Pursuant to Ninth Circuit Rule 31-2.2(b), Appellee, United States of America, respectfully moves the Court for a 30-day extension of time in which to file its answering brief, or until September 21, 2011. The reasons for this motion are noted in the attached Declaration of AUSA Caroline P. Han.

DATED: July 28, 2011.

LAURA E. DUFFY
United States Attorney

s/Caroline P. Han

CAROLINE P. HAN
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United States of America

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UNITED STATES OF AMERICA,

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DANIEL EDWARD CHOVAN,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of California
Honorable John A. Houston, District Judge

DECLARATION OF ASSISTANT U.S. ATTORNEY CAROLINE P. HAN

I, Caroline P. Han, declare as follows:

1. I am an Assistant United States Attorney for the Southern District of California, and am responsible for preparing the Government's answering brief in the above-captioned appeal.

2. Appellant Daniel Edward Chovan ("Chovan") pleaded guilty to prohibited person in possession of a firearm. See 18 U.S.C. §§ 922(g)(9) and 924(a)(2). He was sentenced to a five year term of probation. Chovan now appeals his conviction.

3. Chovan served his opening brief on July 21, 2011. That filing renders the Government's answering brief due on August 22, 2011.

4. A 30-day extension of time is needed to file the Government's answering brief for the following reasons:

a. On appeal, Chovan has raised two issues, both of which are pertinent to his rights under the Second Amendment. As evidenced by the Appellant's brief, the resolution of these issues requires research of a number of relevant statutes and case law. I have begun this research and believe that the extension is necessary so I can appropriately address these claims.

b. I have an active national security caseload, including a case in which I plan to present evidence to the grand jury over the next several weeks. In addition, one of my most pressing matters is a case with significant classified information discovery issues which has already required, and will continue to require, the review of thousands of documents.

5. This is the Government's first request for an extension in this case.

6. I have notified Chovan's counsel, Devin Burstein, Federal Defenders of San Diego, Inc., of my request for a 30-day extension, and he has no objection to that request.

7. The district court docket for the underlying criminal case, No. 10cr1805-JAH, reflects that the court reporter has filed all designated transcripts.

8. I will exercise due diligence to ensure that the brief will be filed within the time requested.

9. Based on the above, I respectfully request that the Government be allowed to file its answering brief on or before September 21, 2011.

Dated: July 28, 2011.

s/ Caroline P. Han
CAROLINE P. HAN
Assistant U.S. Attorney